HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1191 (S/S) 2005

1.Pawan Kumar S/o late Harswaroop,
2.Raj Kumar S/o late Harswaroop,
Both R/o 49, Ritha Mandi, Dehradun,
District Dehradun. ---------Petitioners.

Vs.

1. State of Uttaranchal, through,
Arban Development, Dehradun,
Uttaranchal.
2. Mukhya Nagar Adhikari, Nagar Nigam,
Dehradun. --------Respondents.

Sri Vinod Sharma, learned counsel for the petitioners.
Sri B.D. Upadhyay, learned counsel for respondents no. 2.
Learned Standing Counsel for respondent no. 1.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Sharma, leaned counsel for the petitioners, Sri B.D. Upadhyay, learned counsel for the respondent no. 2 and leaned Standing Counsel who has accepted notice for the respondents. no. 1.

Both the parties are agreed that the writ petition may de decided at the admission stage itself.

Present writ petition has been filed by the petitioners challenging the order dated 30.06.2005 passed by the Mukhya Nagar Adhikari, Nagar Nigam, Dehradun by which the petitioners have been suspended from the services of the Nagar Nigam.

The petitioners have been suspended on the ground that on account of the death of their month, namely, Smt. Nirmala Devi, who was working as Sweeper with the respondents' establishment, the petitioners filed false affidavit before the Nagar Nigam stating therein that Km. Manisha (Smt. Monika)

is the sister of the petitioner hence, after the death of their month, their sister may be provided appointment under dying-in harness Rules. In the preliminary inquiry it was found that Km. Manisha is, in fact, the wife of the petitioner no. 1 Therefore, on the ground of making false statement through affidavit, the Mukhya Nagar Adhikari, Nagar Nigam, Dehradun had passed the impugned order.

I find on infirmity or illegality in the order passed by the Mukhya Nagar Adhikari, Nagar Nigam, Dehradun. Accordingly, the writ petition is dismissed.

(M.M. Ghildiyal, J.)

August 23, 2005:
NCM: